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Respondent.

ORDER ACCEPTING FINDINGS AND  
RECOMMENDATIONS OF UNITED  
STATES MAGISTRATE JUDGE

(2) Pursuant to Ninth Circuit Rule 22-3(a), the Court hereby REFERS the Petition to the United States Court of Appeals for the Ninth Circuit for consideration as an application for leave to file second-or-successive habeas corpus claims.


1 "Petitioner is advised that this referral alone does not constitute compliance with  
2 Circuit Rule 22-3 and 28 U.S.C. § 2255(h). Petitioner must still file a motion for leave to  
3 proceed in the Court of Appeals and make the requisite showing" to convince the Ninth  
4 Circuit to grant him leave to file this second-or-successive habeas petition." Henderson v.  
5 Madden, No. LA CV 16-02003-VBF (AGR), 2016 WL 4009873, at \*3 n.1, \*5-6 (C.D. Cal.  
6 June 3, 2016) (collecting cases in which Ninth Circuit district courts issued this advisement  
7 to pro se habeas petitioners). Petitioner is directed to consult this statute and Ninth Circuit  
8 Rule 22-3 for further information.

9 (3) The Clerk shall send copies of the Petition and this Order to the United States  
10 Court of Appeals for the Ninth Circuit. The Clerk also shall mail Petitioner a copy of Ninth  
11 Circuit Rule 22-3 and Ninth Circuit Court of Appeals Form 12, entitled "Application for Leave  
12 to File Second or Successive Petition Under 28 U.S.C. § 2254 or Motion Under 28 U.S.C. §  
13 2255."

14 (4) The Petition for a Writ of Habeas Corpus is DISMISSED without prejudice to its  
15 refiling after Petitioner obtains permission to do so from the Ninth Circuit.

16 IT IS SO ORDERED.

17  
18 DATED: May 30, 2019

  
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JOHN F. WALTER  
UNITED STATES DISTRICT JUDGE